

ALLAN B. GELBARD, ESQ.
THE LAW OFFICES OF ALLAN B. GELBARD
15760 Ventura Boulevard, Suite 801
Encino, CA 91436
Tel:(818)386-9200
Fax:(818)386-9289
Bar # 184971

Attorney for Plaintiff
The Stockroom, Inc.

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

SACV08-1049

CASE NO:

THE STOCKROOM, INC., a California
corporation,

Plaintiff

vs.

SERGE BRONSTEIN, an individual;
JENNY LANDIS PRODUCTIONS, a
business entity of unknown form;
WWW.JTOUTLET.COM, a business
entity of unknown form; and DOES 1-
10, INCLUSIVE,

Defendants

PLAINTIFFS COMPLAINT FOR
FEDERAL UNFAIR
COMPETITION (15 U.S.C. § 1125);
FEDERAL TRADEMARK
INFRINGEMENT (15 U.S.C. § 1117
et seq.); FEDERAL COPYRIGHT
INFRINGEMENT (17 U.S.C. § 501
et seq.); STATE UNFAIR
COMPETITION (Ca. B&P § 17200
et seq.); DILUTION;
ACCOUNTING; INJUNCTIVE
RELIEF.

DEMAND FOR JURY TRIAL

Plaintiff The Stockroom, Inc., a California corporation, by and through their
attorney Allan B. Gelbard, Esq., file their Complaint against defendants Serge
Bronstein, an individual; Jenny Landis Productions, a business entity of unknown
form; www.JTOutlet.com, a business entity of unknown form; and DOES 1-10,
Inclusive, and allege as follows:

JURISDICTION

1
2
3 1. This action arises under 17 U.S.C. § 101, *et seq* (the Copyright Act of
4 1976), and 15 U.S.C. § 1051, *et seq* (the Lanham Trademark Act of 1946). Therefore,
5 this Court has original jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338 as well as
6 supplemental jurisdiction over the additional state and federal causes of action
7 pursuant to 28 U.S.C. § 1367(a).

8
9 **VENUE**

10
11 2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b) and
12 1400(a).

13
14 **PARTIES**

15
16 3. Plaintiff The Stockroom, Inc. (“Stockroom” or “Plaintiff”), is a California
17 corporation having its principal place of business at 2807 W. Sunset Blvd., Los
18 Angeles, California.

19
20 4. Plaintiff is informed and believes and thereupon alleges that defendant
21 Serge Bronstein (“Bronstein”) is an individual residing in Fullerton, California.

22
23 5. Plaintiff is informed and believes and thereupon alleges that defendant
24 JENNY LANDIS PRODUCTIONS (hereinafter “JLP”), is a business entity of
25 unknown form, with its domicile and principal place of business in Fullerton,
26 California which does business in California and throughout the United States.
27 Plaintiff presently believes that JLP is a sole proprietorship and an alter ego of
28 Bronstein.

1 6. Plaintiff is informed and believes and thereupon alleges that defendant
2 www.JTOutlet.com (hereinafter "JTO"), is a business entity of unknown form, with its
3 domicile and principal place of business in Fullerton, California which does business
4 in California and throughout the United States. Plaintiff presently believes that JTO is
5 a sole proprietorship and an alter ego of Bronstein.

6
7 7. Plaintiff is informed and believes and thereupon alleges that Defendant
8 DOES 1-10, Inclusive are the true legal names of additional individuals and/or entities
9 who's actions are at issue herein. Plaintiff does not know the true name or capacity of
10 the Defendants sued herein as DOES 1-10 and therefore sues said Defendants by such
11 fictitious names. Plaintiff is informed and believes and thereon alleges, that DOES 1-
12 10 are responsible in some manner for the occurrences herein alleged, and that
13 Plaintiff's damages as hereinafter alleged were proximately caused by the acts of such
14 Defendants, and each of them.

15
16 8. Plaintiff is informed and believes and thereupon alleges that DOES 1-10
17 personally authorised, controlled and/or assisted defendants Bronstein, JLP and/or JTO
18 in their unlawful activities alleged herein.

19
20 9. Plaintiff is informed and believes and thereupon alleges that at all times
21 herein relevant, Defendants and each of them, were the agents, servants and
22 employees of their Co-Defendants and were acting and conspiring both individually
23 and within the scope of such agency, service and employment while performing the
24 acts complained of herein.

25
26 10. Plaintiff is informed and believes and thereupon alleges that at all times
27 relevant hereto:
28

- 1 A) That Bronstein and one or more of the Doe defendants dominated,
2 influenced and controlled JLP and JTO.
- 3
- 4 B) That JLP and JTO are, and at all times relevant hereto were, mere
5 shells and naked frameworks which Bronstein, and one or more of
6 the Doe defendants, used as conduits for his/her/their personal
7 business, property and affairs.
- 8
- 9 C) That there is such a unity of interest and ownership between
10 Bronstein and one or more of the Doe defendants (on the one hand)
11 and JLP and/or JTO (on the other hand) that the separateness of
12 JLP and/or JTO as entities either never existed or has ceased.
- 13
- 14 D) That adherence to the fiction of the separate corporate existence of
15 JLP and/or JTO would, under the circumstances, sanction a fraud
16 and promote injustice.
- 17
- 18 E) That JLP and JTO are the alter egos of Bronstein, and/or one or
19 more of the Doe Defendants, and that Bronstein is personally liable
20 for the obligations of as described below.

21 22 23 24 **GENERAL ALLEGATIONS**

25

26 11. Plaintiff is in the business of selling adult oriented goods and services via
27 the Internet. Plaintiff's on-line store, "JT's Stockroom" (and the related URLs and
28 websites, www.jtstockroom.com, www.jtsstockroom.com, www.thestockroom.com,

1 and www.stockroom.com (the “JT’s Stockroom URLs”)) is one of the oldest and
 2 largest on-line providers of BDSM products, clothing, adult novelties and instructional
 3 books and audio/visual productions and is widely known and respected in the trade.
 4

5 12. The “JT” in JT’s Stockroom refers to Plaintiff’s founder and CEO, Joel
 6 Tucker (“Tucker”) who is the registered owner of the trademarks in question. Tucker
 7 initially did business exclusively under the main mark “JT’s Stockroom” and the
 8 related marks and URLs were registered and developed concurrently and/or
 9 subsequently to prevent deceptively similar marks being used in the marketplace.
 10

11 13. Plaintiff is the holder of exclusive rights under federally registered
 12 trademarks (the “Trademarks”) pertaining to its business including but not limited to:
 13

- 14 A) “JT’s Stockroom” Reg # 2930354 - Registered March 8, 2005 in
 15 International Class 035, US Classes 100 101 102 for “On-line
 16 catalog, ordering and retail store services, featuring adult
 17 entertainment and adult novelties, prerecorded video tapes, DVDs,
 18 books, adult toys and novelties, underwear, lingerie, erotic clothing
 19 and costumes.”
 20
- 21 B) “Stockroom.com” Reg # 2935888 - Registered March 29, 2005 in
 22 International Class 035, US Classes 100 101 102 for “Mail order
 23 catalog, computerized online ordering and retail store services
 24 featuring adult entertainment and adult novelties, prerecorded video
 25 tapes, DVDs, books adult toys and novelties.”
 26
- 27 C) “Stockroom” Reg # 2964720 - Registered July 5, 2005 in
 28 International Class 035, US Classes 100 101 102 for “Mail order

1 catalog, computerized online ordering and retail store services
 2 featuring adult entertainment and adult novelties, prerecorded
 3 videotapes, DVDs, books, adult toys and novelties.”

4
 5 D) “The Stockroom” Reg # 3410814 - Registered April 8, 2008 in
 6 International Class 14, US Classes 002 027 028 050 for Jewelry,
 7 namely chains, amulets, rings, studs and bracelets; and International
 8 Class 25, US Classes 022 039 for Clothing, namely, fetish wear,
 9 namely, leather, rubber and PVC underwear, pants, shirts, dresses,
 10 stockings and hats; underwear; corsets; shirts; gloves; skirts;
 11 stockings and pants.

12
 13 14. Plaintiff has made and continues to make substantial investments of time,
 14 effort and expense in the production, manufacturing, marketing and branding of its
 15 business and products.

16
 17 15. Plaintiff is an integral participant in creating and maintaining the look and
 18 quality of the websites, as well as the goods and services offered thereby.

19
 20 16. Plaintiff is the author and creator of numerous original audiovisual,
 21 textual and photographic works which are employed on the websites (the “Works”).
 22 These Works are of the highest quality and Plaintiff exercises the utmost creative
 23 control and production/post production oversight to insure that these Works retain their
 24 distinctive character and quality. The Works, and the websites, contain wholly
 25 original material which is copyrightable subject matter under the laws of the United
 26 States.

1 17. Plaintiff has, at all times relevant hereto, complied in all respects with the
2 Copyright Act, 17 U.S.C. §§ 101, *et seq.*, and secured the exclusive rights and
3 privileges in and to the copyrights in and to these Works.

4
5 18. Plaintiff has not authorized Defendants to copy, reproduce, manufacture,
6 duplicate, disseminate or distribute copies of the Works, or to employ the Trademarks
7 or deceptively similar marks, nor have Defendants obtained licenses to do so from any
8 legitimate third party.

9
10 19. Plaintiff is informed and believes and thereupon alleges that Defendants
11 are in the business of, among other things, distributing goods and services that directly
12 compete with Plaintiff's business.

13
14 20. Plaintiff is informed and believes and thereupon alleges that Defendants
15 commenced operation at some time on or around March 15, 2007 at which time
16 Defendants had actual knowledge of Plaintiff's business, reputation and trademarks.

17
18 21. In or about July, 2008, Plaintiff ascertained that Defendants were
19 employing the deceptively similar Internet URL www.JTOutlet.com to market directly
20 competing goods and services. Additionally, Plaintiff's review of the JTOutlet website
21 revealed that Defendants had employed one or more copyrighted photographs
22 belonging to Plaintiff (and included in Plaintiff's Works) on the website.

23
24 22. Plaintiff is informed and believes, and thereupon alleges that the goods
25 and/or services being marketed by Defendants under their deceptively similar URL and
26 through the use of Plaintiff's Works are of inferior grade and quality to Plaintiff's
27 goods and services.

23. Plaintiff is informed and believes, and thereupon alleges that Bronstein personally devised, and carried out a scheme to employ the “www.JTOutlet.com” mark and URL which he knew was deceptively similar to Plaintiff’s “JT’s Stockroom” federally registered trademark and Plaintiff’s www.JTStockroom.com and www.JTsStockroom.com URLs and marks in an effort to unlawfully capitalize on Plaintiff’s goodwill and reputation for quality goods and services and to intentionally confuse the general public into believing that www.JTOutlet.com was affiliated with Plaintiff.

24. Commencing in or about July of 2008, Plaintiff advised Defendants of the unlawful nature of their activities and demanded that Defendants cease and desist from further infringement of Plaintiffs Works and Trademarks. Defendants have refused to comply with Plaintiff’s demands and continue to infringe on Plaintiff’s rights as of the date of the filing of this Complaint.

FIRST CAUSE OF ACTION
COPYRIGHT INFRINGEMENT - 17 U.S.C. §§ 101 ET SEQ

25. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 24, inclusive, above.

26. At some time between March 15, 2007 and the date of this Complaint, Defendants illegally employed not less than one of Plaintiff’s copyrighted Works on its infringing website located at www.JTOutlet.com.

27. The title of the specific photograph is “Gloves” and a copy of said Work is attached hereto as Exhibit 1.

1 28. A screen capture of Defendants' website unlawfully exploiting the
2 copyrighted photograph "Gloves" is attached as Exhibit 2.

3
4 29. Plaintiff is informed and believes and thereupon alleges that Defendants
5 copied the copyrighted Work "Gloves" directly from Plaintiff's website.

6
7 30. Plaintiff is informed and believes, and thereupon alleges that Defendants
8 have published the infringing Work in and into the United States and the Central
9 District of California.

10
11 31. Neither Plaintiff nor any bona fide third party has granted Defendants (or
12 any of them) any rights to produce copies of, and/or to distribute copies of Plaintiff's
13 Works, in whole or in part.

14
15 32. Defendants' actions constitute an intentional infringement of the
16 Plaintiff's copyrights, and Plaintiff's exclusive rights therein.

17
18 33. Plaintiff hereby reserves the right, pursuant to 17 U.S.C. § 504(c), to
19 elect to recover, instead of actual damages, statutory damages in an amount not more
20 than one hundred fifty thousand dollars (\$150,000.00) for each of the Works which has
21 been copied and/or infringed by Defendants.

22
23 34. As Defendants' infringement was intentional, Plaintiff is entitled to an
24 award of statutory and exemplary damages, attorney's fees and costs of suit.

25 ///

26 ///

27 ///

28

SECOND CAUSE OF ACTION
UNFAIR COMPETITION - 15 U.S.C. § 1125

35. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 34, inclusive, above.

36. Plaintiff's trade name, "JT's Stockroom" is inherently distinctive.

37. Plaintiff's trade name, "JT's Stockroom" has acquired a secondary meaning through Plaintiff's long term use of the name, their efforts to promote the sales of their productions and their efforts to generate and protect the goodwill of their name. As a result of Plaintiff's efforts, a significant portion of the market has come to associate the name "JT's Stockroom" exclusively with Plaintiff and their goods and services.

38. Plaintiff is the holder of federally registered trademark number "JT's Stockroom" Reg # 2930354 for "On-line catalog, ordering and retail store services, featuring ... adult toys and novelties, underwear, lingerie, erotic clothing and costumes."

39. Plaintiff includes the "JT's Stockroom" logos and marks on its website and promotional products.

40. Nearly all of the categories of goods sold by Defendants on their website, which employs the JTOutlet URL, is included in the categories of goods and services for which Plaintiff has exclusive Trademark rights.

41. Plaintiff has, at all times relevant hereto, taken care to enforce its mark and to prevent third parties from infringing thereon.

1 42. Plaintiff has, at all times relevant hereto, exercised significant control over
2 the quality of its goods and services in order to maintain the overall quality of the
3 goods and the value of JT's Stockroom's goods and services.

4
5 43. Defendants' unlawful sale of competitive but inferior goods through use
6 of the deceptively similar JTOutlet.com URL constitutes an intentional and unlawful
7 use of Plaintiff's names, marks and trademark. Said misuse constitutes a false
8 designation of origin, and is likely to cause confusion, to cause mistake, and to deceive
9 the public as to the origin of these goods.

10
11 44. Defendants' unlawful infringement of Plaintiff's trademark was made in
12 connection with Defendants' sale of goods in direct competition with Plaintiff.

13
14 45. Plaintiff is informed and believes, and thereupon alleges that said misuse
15 has actually caused numerous customers of Plaintiff, members of the trade, and end
16 users, to suffer confusion, mistake, and/or to be deceived as to the origin and
17 authenticity of these goods and/or services.

18
19 46. As a result of Defendants' wrongful conduct, Plaintiff has suffered
20 damages including but not limited to loss of earnings and goodwill, in an amount to be
21 proven at trial, but in no case less than one million dollars (\$1,000,000.00).

22
23 47. As Defendants' conduct was an intentional infringement of Plaintiff's
24 federally registered trademark, undertaken to unfairly compete with Plaintiff's
25 business, Plaintiff is entitled to an award of statutory penalties including treble
26 damages, attorney's fees and costs of suit.

THIRD CAUSE OF ACTION
UNFAIR COMPETITION
CALIFORNIA BUSINESS AND PROFESSIONS CODE § 17200 ET SEQ.

48. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 47, inclusive, above.

49. Defendants intentionally sold competing but inferior goods employing the deceptively similar marks into the State of California in an effort to gain a financial windfall through unlawfully competing with Plaintiff. Defendants' activities constitute unlawful, unfair and fraudulent business practices and unfair, deceptive, untrue and misleading advertising.

50. Defendants' actions are likely to cause confusion, mistake and deception in the minds of Plaintiff's customers, members of the trade, and the general public as to the origin and/or sponsorship of Defendants' good and/or services.

51. As a result of Defendants' wrongful conduct, Plaintiffs have suffered damages, including but not limited to loss of earnings and goodwill, in an amount to be proven at trial, but in no case less than one million dollars (\$1,000,000.00).

52. As Defendants' unlawful business practices included an intentional infringement of Plaintiff's federally registered trademark, Plaintiff is entitled to an award of statutory penalties including treble damages, attorneys' fees and costs of suit.

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FOURTH CAUSE OF ACTION
STATE TRADEMARK AND TRADE NAME INFRINGEMENT
(Ca. B&P § 14300 et seq.)

53. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 52, inclusive, above.

54. Plaintiff uses the mark "JT's Stockroom" to identify goods made and sold by them and to distinguish them from goods made or sold by others.

55. Plaintiff uses "JT's Stockroom" to identify its business, vocation or occupation and distinguish it from the business, vocation or occupation of others.

56. Defendants have wrongfully, and without permission from Plaintiff, employed a deceptively similar mark (JTOutlet) to sell inferior goods into the State of California.

57. Defendants have infringed upon Plaintiff's trademark and trade name by selling inferior goods as authentic "JT's Stockroom" goods.

58. As a result of Defendants' wrongful conduct, Plaintiff has suffered damages including but not limited to loss of earnings and goodwill, in an amount to be proven at trial, but in no case less than one million dollars (\$1,000,000.00).

59. Defendants' acts constitute oppression, fraud or malice, as those terms are defined in California Civil Code § 3294. Therefore, Plaintiff is entitled to exemplary damages.

FIFTH CAUSE OF ACTION
DILUTION

60. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 59, inclusive, above.

61. As a result of Defendants' wrongful acts, Plaintiff has suffered and continues to suffer dilution to the value of its business, trademark and trade name in an amount not presently ascertained but which shall be proven at trial.

SIXTH CAUSE OF ACTION
ACCOUNTING

62. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 61, inclusive, above.

63. Plaintiff is entitled to a complete disgorgement of all revenues earned by Defendants as a result of their intentional and unlawful infringement of Plaintiff's copyrights and trademarks.

SEVENTH CAUSE OF ACTION
INJUNCTIVE RELIEF

64. Plaintiff re-alleges all facts included or inferred in Paragraphs 1 - 63, inclusive, above.

65. Defendants' acts of unfair competition, trademark infringement, and copyright infringement have caused Plaintiff to suffer severe and irreparable harm for which there is no adequate remedy at law.

1 66. Plaintiff is informed and believes and thereupon alleges that absent an
2 order from this Court, Defendants will continue their acts of unfair competition, unfair
3 business practices, trademark infringement and copyright infringement. Said acts will
4 cause Plaintiff to suffer continuing damages for which there are no adequate remedies
5 at law.

6
7 67. Plaintiff is entitled to temporary, preliminary and permanent injunctive
8 relief to enjoin any further such acts on behalf of Defendants, or any party or entity
9 acting in consort with them.

10
11
12 **WHEREFORE; PLAINTIFF PRAYS:**

13
14 68. That the Court issue a Temporary Restraining Order enjoining Defendants
15 and their respective agents, employees, successors and assigns, and all other persons
16 acting in concert with them, from:

- 17
18 A) Employing the JTOutlet mark (including but not limited to use in
19 the URL www.JTOutlet.com) and any other deceptively similar
20 mark(s) to JT's Stockroom® to sell good in International Class 035
21 including adult entertainment and adult novelties, prerecorded
22 video tapes, DVDs, books, adult toys and novelties, underwear,
23 lingerie, erotic clothing and costumes; and,
24
25 B) Erasing, deleting, altering or destroying any documents, electronic
26 files or business records that pertain to the purchase, sale, and/or
27 distribution of any goods in International Class 35 through use of
28 the JTOutlet mark.

1 69. That the issue Preliminary and Permanent injunctive relief in accordance
2 with the Order requested in Paragraph 68 above.

3
4 70. That Defendants be required to pay to Plaintiff's actual damages
5 proximately resulting from Defendants' copyright infringement, trademark
6 infringement and unfair competition; and,

7
8 71. That Defendants account for:

9
10 A) All gains, profits and advantages derived by Defendants by said
11 unfair competition, unfair business practices, and trademark
12 infringement; and,

13
14 B) All gains, profits, and advantages derived by Defendants by their
15 infringement of Plaintiff's copyrights or such damages as to this
16 Court shall deem proper within the provisions of the copyright
17 statutes, up to \$150,000.00 for each of Plaintiff's Works which was
18 intentionally and unlawfully infringed by Defendants; and,

19
20 72. For statutory and/or exemplary damages, as awarded by this Court; and,

21
22 73. That Defendants be required to deliver up to be impounded during the
23 pendency of this action all copies of Plaintiff's Works, in any format, in Defendants'
24 possession or under their control and to deliver up for destruction all infringing copies
25 and all audiovisual masters, photographic masters, plates, molds, equipment and other
26 matter for making such infringing copies.

1
2
3 74. That Defendants pay to Plaintiff reasonable attorney's fees pursuant to 17
4 U.S.C. § 505 and 15 U.S.C. § 1117(a).

5
6 75. That Defendants pay to Plaintiff the costs of this action; and,

7
8 76. For such additional and further relief which this Court deems just and
9 proper.

10
11 **DEMAND FOR JURY TRIAL**

12
13 PLAINTIFF hereby respectfully demands a jury trial as provided by Rule 38(a)
14 of the Federal Rules of Civil Procedure.

15
16 Dated: this 18th day of September, 2008.

17
18 THE LAW OFFICES OF ALLAN B. GELBARD

19
20 
21 Allan B. Gelbard, Esq.
22 Attorney for Plaintiff
23 The Stockroom, Inc.
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge James V. Selna and the assigned discovery Magistrate Judge is Marc Goldman.

The case number on all documents filed with the Court should read as follows:

SACV08- 1049 JVS (MLGx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☒ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

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UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

THE STOCKROOM, INC., a
California corporation,

Plaintiff

vs.

SERGE BRONSTEIN, an individual;
JENNY LANDIS PRODUCTIONS, a
business entity of unknown form;
WWW.JTOUTLET.COM, a business
entity of unknown form; and DOES 1-
20, INCLUSIVE,

Defendants

CASE NUMBER

SACV08-1049 JVS

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S), You are hereby summoned and required to file with
this court and serve upon plaintiff's attorney, Allan B. Gelbard, Esq. whose address is:

Law Offices of Allan B. Gelbard
15760 Ventura Blvd., Suite 801
Encino, California 91436
Tel: (818)386-9200 - Fax:(818)386-9289

an answer to the Complaint which is herewith served upon you within 20 days after service
of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default
will be taken against you for the relief demanded in the complaint.

DATE: SEP 19 2008

CLERK, U.S. DISTRICT COURT

By LA'REE HORN



SUMMONS

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> The Stockroom, Inc.	DEFENDANTS Serge Bronstein, Jenny Landis Productions, www.jtoutlet.com, and Does 1-10. Inclusive
(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): Los Angeles, CA	County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Fullerton, CA
(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Allan B. Gelbard, Esq. Law Offices of Allan B. Gelbard 15760 Ventura Blvd., Suite 801 Encino, CA 91436 T(818)386-9200 F(818)386-9289	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%;">PTF <input type="checkbox"/> 1</td> <td style="width:10%;">DEF <input checked="" type="checkbox"/> 1</td> <td style="width:30%;">Incorporated or Principal Place of Business in this State</td> <td style="width:10%;">PTF <input checked="" type="checkbox"/> 4</td> <td style="width:10%;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input checked="" type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ 150,000+

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 Trademark Infringement (15 U.S.C. § 1117); Unfair Competition (15 U.S.C. § 1125); Copyright Infringement (17 U.S.C. § 501); State Unfair Competition (Ca. B&P § 17200)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

AFTER COMPLETING THE FRONT SIDE OF FORM JS-44C, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). **RELATED CASES:** Have any cases been previously filed that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Appear to arise from the same or substantially identical transactions, happenings, or events;
☐ B. Involve the same or substantially the same parties or property;
☐ C. Involve the same patent, trademark or copyright;
☐ D. Call for determination of the same or substantially identical questions of law, or
☐ E. Likely for other reasons may entail unnecessary duplication of labor if heard by different judges.

IX. **VENUE:** List the California County, or State if other than California, in which **EACH** named plaintiff resides (Use an additional sheet if necessary)☐ Check here if the U.S. government, its agencies or employees is a named plaintiff.

Los Angeles, CA

List the California County, or State if other than California, in which **EACH** named defendant resides. (Use an additional sheet if necessary).☐ Check here if the U.S. government, its agencies or employees is a named defendant.

Fullerton, CA

List the California County, or State if other than California, in which **EACH** claim arose. (Use an additional sheet if necessary)**Note:** In land condemnation cases, use the location of the tract of land involved.

Los Angeles, CA

X. **SIGNATURE OF ATTORNEY (OR PRO PER):** _____

Date 9/18/08

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))